

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 11/1/2012

Action Requested By:  
Administration

Agenda Item Type  
Resolution

Subject Matter:

Agency Appropriation Agreement

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into an Agency Appropriation Agreement between the City of Huntsville and the Huntsville-Madison County Botanical Garden.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: 514,380.00

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: \_\_\_\_\_

Date: 10/31/2012

RESOLUTION NO. 12-\_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to enter into an Agreement by and between the City of Huntsville and Huntsville-Madison County Botanical Garden on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "AGENCY APPROPRIATION AGREEMENT BETWEEN THE CITY OF HUNTSVILLE AND THE HUNTSVILLE-MADISON COUNTY BOTANICAL GARDEN," consisting of two (2) pages and the date of November 1, 2012, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 1st day of November, 2012.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

APPROVED this the 1st day of November, 2012.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama

**AGENCY APPROPRIATION AGREEMENT  
BETWEEN THE CITY OF HUNTSVILLE AND  
HUNTSVILLE-MADISON COUNTY BOTANICAL GARDEN**

**STATE OF ALABAMA  
COUNTY OF MADISON**

**AGENCY APPROPRIATION AGREEMENT**

**THIS AGREEMENT**, made and entered into this 1st day of November, 2012, by and between Huntsville-Madison County Botanical Garden, hereinafter referred to as "AGENCY", and the City of Huntsville, a municipal corporation in the State of Alabama, hereinafter referred to as "CITY".

**WITNESSETH:**

**WHEREAS**, Agency provides services which confer a public benefit of a reasonably general character; and,

**WHEREAS**, City desires to appropriate funds to Agency to assist with the provision of such services; and,

**WHEREAS**, the expenditure of funds appropriated by City to Agency for such services constitutes a legitimate public purpose; and,

**WHEREAS**, both parties acknowledge the receipt of good and valuable consideration supporting the terms and conditions of this agreement.

**NOW, THEREFORE**, for and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

A. The term of this agreement shall begin on October 1, 2012, and end on September 30, 2013.

B. Agency will provide the services authorized by its charter, Articles of Incorporation, by-laws, or other applicable documents which govern the scope of its services.

C. City agrees to pay Agency the sum of Two Hundred Fourteen Thousand Three Hundred Eighty Dollars (\$214,380.00) to deliver Agency's services, which shall be paid quarterly, commencing on October 1, 2012, or as soon thereafter as is reasonably practical.

D. In addition to the funds provided in paragraph C. above, City agrees to pay Agency the sum of Three Hundred Thousand Dollars (\$300,000.00) for capital improvements, which shall be paid by City on a reimbursement basis as invoices are submitted to the City Finance Department.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville, Alabama  
Date: \_\_\_\_\_

E. The parties agree that the services provided by Agency serve a legitimate public purpose.

F. Agency agrees that it has no authority to obligate any City funds beyond those appropriated by City for this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this the 1st day of November, 2012.

CITY OF HUNTSVILLE, ALABAMA

BY: \_\_\_\_\_  
Tommy Battle  
ITS: Mayor

ATTEST:

By: \_\_\_\_\_  
Charles E. Hagood  
Its: Clerk-Treasurer

AGENCY  
HUNTSVILLE-MADISON COUNTY  
BOTANICAL GARDEN

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

WITNESS:

\_\_\_\_\_

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Administration

Council Meeting Date: 11/1/2012

Department Contact: Tommy Battle

Phone # 427-5000

Contract or Agreement: Agency Appropriation Agreement

Document Name: Agency Agreement with the Botanical Gardens

City Obligation Amount: 514,380

Total Project Budget: 514,380

Uncommitted Account Balance:

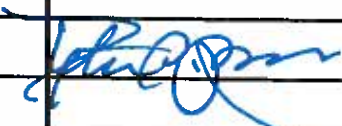
Account Number:

## Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
-----------------------	-----------------------

## Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
-----------------------	-------------

Department	Signature	Date
1) Originating		
2) Legal		10-31-12
3) Finance		
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		